

01-Nov-04 11:48

From:HENKEL CORPORATION PATENT DEPT,

6102786548

T-985 P.07/14 F-902

Appl. No. 10/008,326
Amendment dated October 29, 2004
Reply to Non-Final Office Action of July 27, 2004

REMARKS

In the Office Action mailed July 27, 2004, the Examiner indicated that a certified copy of the German priority application has not been filed. Applicants mailed the certified priority document on January 27, 2004 via Express mail, mailing number EV 274366168 US. Applicants received confirmation of filing in the form of a stamped return receipt postcard. Copies of the submission letter enclosing the certified copy and return receipt postcard are enclosed herewith.

Claims 1-6 are pending in the application. Claims 1 and 5 are amended. New claim 6 is added. Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by GB 890,683. Claim 5 stands rejected under 35 U.S.C. §102(b) as being anticipated by Yorks, US Patent No. 4,950,094. Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over GB '683 in view of DE 21 39 123.

Claim 1 has been amended and now recites that a region of the rotary grip adjacent to the spindle projects inwardly through the passage opening into the receiving element interior and is formed complementary to the underside of the piston-shaped element. Support for the amendments to claim 1 are to be found in the FIGURE and claim 2, as originally filed.

GB '683 makes no suggestion of such a region of a

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rotary grip. In the device of GB '683, there is no region adjacent the stem 10 projecting inwardly of the boss 16, which is formed complimentary to an underside of a piston-shaped element. Rather, the portion of the stem which extends through the boss 16 extends vertically adjacent the follower 12. There is no portion of the stem adjacent an underside of the follower and thus no portion of the spindle formed complementary to an underside of the follower.

DE '123, cited against claims 3 and 4, does not supply the deficiencies of the primary reference. There is no such projecting region in the device shown by DE '123. In the present device, the projecting region allows a snap fit connection between the rotary grip and the base while permitting rotation. Accordingly, it is submitted that claim 1, and claims 3 and 4 dependent therefrom, are patentable over the references of record.

Claim 5 has been amended and now recites that free space between the piston shaped element and the sleeve base is confined to a region intermediate the complementary underside of the piston-shaped element and the region of the rotary grip when the piston-shaped element is adjacent the sleeve base. Amendments to claim 5 find support the specification at page 11, lines 3-11.

The device of Yorks has a large area of free space beneath the platform 32 where air can collect during cooling of the mass. The present inventors have recognized

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that this can lead to defects in the mass, which can later cause it to break away. The problem has been reduced, in the present device, by creating a very limited air gap between the piston and the base, which is not shown or suggested by Yorks. Accordingly, it is submitted that claim 5 and claim 2, dependent therefrom, distinguish patentably and unobviously over the reference of record.

New claim 6 recites a device wherein a region of a rotary grip projects inwardly through a passage opening into a receiving element interior and is formed complementary to the underside of an inner wall of a piston-shaped element, the region engaging a detent on a sleeve base. The inner wall of the piston shaped element adjoins an annular outer wall of the-piston-shaped element adjacent the sleeve base. As a result, there is virtually no free space between the piston shaped element and the sleeve base when the piston-shaped element is adjacent the sleeve base. New claim 6 finds support in original claim 1, the FIGURE, and the specification at page 9, lines 15-26, and page 11, lines 3-11.

The references of record make no suggestion of providing such a device. GB '683 and DE '123 make no suggestion of such a projecting region of a rotary grip. Yorks makes no suggestion of minimizing the free space between a piston and a sleeve base, nor provides any motivation for doing so. Accordingly, it is submitted that new claim 6 distinguishes patentably and unobviously over the references of record.

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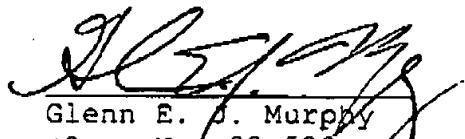
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CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response to be extended one month to November 27, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount of \$110.00 for the extension fee. Order No. 04-0408. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



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Enclosures
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